

From: [Reichgott, Christine](#)
To: [Somers, Elaine](#)
Subject: RE: EPA Comments on Portland District Avian Actions (UNCLASSIFIED)
Date: Friday, April 24, 2015 9:12:14 AM

Right, I agree that analysis and consideration of alternatives outside the jurisdiction of the lead agency are appropriate. In this case, the intent was to recognize that implementation of such measures was outside the jurisdiction of the Corps.

Teena Reichgott
Manager, Environmental Review and Sediment Management Unit
Office of Ecosystems, Tribal and Public Affairs
EPA Region 10 ETPA-202-3
1200 Sixth Avenue, Suite 900
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-----Original Message-----

From: Somers, Elaine
Sent: Thursday, April 23, 2015 7:35 PM
To: Reichgott, Christine
Subject: RE: EPA Comments on Portland District Avian Actions (UNCLASSIFIED)

Thank you so much, Teena. I will add it to the file.

In response to the Corps' letter, I would want to convey that CEQ addresses the issue of alternatives outside the lead agency's jurisdiction in their 40 Most Asked Questions, 2a and 2b:

"Reasonable alternatives include those that are practical or feasible from the technical and economic standpoint and using common sense" and that "An alternative that is outside the legal jurisdiction of the lead agency must still be analyzed in the EIS if it is reasonable. A potential conflict with local or federal law does not necessarily render an alternative unreasonable, although such conflicts must be considered. Section 1506.2(d). Alternatives that are outside the scope of what Congress has approved or funded must still be evaluated in the EIS if they are reasonable, because the EIS may serve as the basis for modifying the Congressional approval or funding in light of NEPA's goals and policies. Section 1500.1(a)."

Based on the above, the Corps could not conclude that our concerns have been addressed. They should explore the suggested alternatives with NOAA-Fisheries and other stakeholders.

Elaine

-----Original Message-----

From: Reichgott, Christine
Sent: Thursday, April 23, 2015 9:50 AM
To: Somers, Elaine
Subject: RE: EPA Comments on Portland District Avian Actions (UNCLASSIFIED)

Joyce beat me to the punch sending the electronic version of their letter. I saved it on the G drive under final letters with the EPA project number.

Teena Reichgott
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-----Original Message-----

From: Casey, Joyce E NWP [<mailto:Joyce.E.Casey@usace.army.mil>]
Sent: Thursday, April 23, 2015 8:30 AM
To: Somers, Elaine; Reichgott, Christine
Cc: Matson, Jeffrey T NWP; Winters, Robert NWP; Fischer, Steven A NWD; Lear, Gayle HQ @ NWD; Peters, Rock D NWD
Subject: EPA Comments on Portland District Avian Actions (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

We believe that all of EPA's concerns have been addressed. Please see the enclosed. Thanks.

Joyce E. Casey
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Classification: UNCLASSIFIED
Caveats: NONE